IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1384 of 2005

Between:

1 B.Venkata Siva Satyanarayana, s/o Nagabhushannam,
R/o Kotturu, Pedapadu Mandal, West Godavari District.
2 B.Laxmi Susheela, W/o B.V.R.Chowdary,
R/o 25-11-20/4, NR Pet, Eluru, West Godavari District.

... PETITIONERS

AND

1 The AP. Sate Cooperative Bank Ltd., Troop Bazar, Hyderabad, Rep.by its Managing Director,
2 The Deputy Registrar of Cooperative Societies/OSD Arbitrator,
C/o AP.Cooperative Bank Ltd., Troop Bazar, Hyderabad.
3 M/S Master Pearls Ltd., rep.by its Managing Director, Regd. Office at 113, Sreenilaya Enclave,
Near New Science College, Ameerpet Hyderabad.

...RESPONDENTS

Petition filed under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more in the nature of Mandamus, declaring the order passed by cooperative Tribunal in CTA No.292/2004, dt. 18/01/2005 confirming the order of the 2nd respondent passed in IA.No.1/2004 dt. 25/10/2004 as illegal, arbitrary, unconstitutional and against the principles of natural justice and accordingly set aside the same, and pass such other order or orders as are deemed fit and proper.

Counsel for the Petitioner:MR.R.N.HEMENDRANATH REDDY

Counsel for the Respondent Nos.1&2: Mr.A.H.Ramakrishna Rao

The Court at the stage of admission made the following ORDER:

The petitioners assail the order dated 18-01-2005 passed by the A.P. Cooperative Tribunal, Hyderabad, in C.T.A.No.292 of 2004. Through that order, the Tribunal confirmed the order passed by the Deputy Registrar of Cooperative Societies/Arbitrator, the 2nd respondent, in I.A.No.1 of 2004, dated 25-10-2004.

The petitioners contend that they had never mortgaged their properties to the 1st respondent-Bank, and taking advantage of the possession of the title deeds, in relation to their properties, the 2nd respondent passed an order, restraining them from alienating the properties. It is asserted that the order of injunction is causing inconvenience and hardship to them, and even if they alienate any property, it would be without prejudice to the rights of the 1st respondent.

On behalf of the respondents, a counter affidavit is filed. It is stated that the petitioners are very much parties before the 2nd respondent, in the recovery proceedings, and since the properties are mortgaged, the question of permitting the petitioners to alienate the same does not arise.

The question as to whether there exists any valid mortgage against the properties, claimed by the petitioners, needs to be considered in the main proceedings. It is too

early, at this stage, to give a finding on such disputed facts. Further, the title deeds, in relation to the said properties are said to be with the 1st respondent. If the petitioners are permitted, to alienate the properties, at this stage, it would result in complications. To avoid the prolonged inconvenience to the petitioners, the 2nd respondent can be directed to conclude the proceedings, at the earliest.

Hence, the writ petition is disposed of, directing that the 2nd respondent shall conclude the proceedings before him, by the end of March, 2005. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.15-02-2005.

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To

1 The Managing Director, AP. State Cooperative Bank Ltd.,

Troop Bazar, Hyderabad.

2 The Deputy Registrar of Cooperative Societies/OSD Arbitrator,
C/o AP.Cooperative Bank Ltd., Troop Bazar, Hyderabad.

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